



**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION HELD  
WEDNESDAY, DECEMBER 11, 2019  
AT 6:30 P.M.**

**CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING**

*Chair Aspinall* called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:30 P.M.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by *Commissioner Anderson*.

**ROLL CALL**

MEMBERS PRESENT: Commissioners Anderson, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall

MEMBERS ABSENT: Commissioner Brouse

ALSO PRESENT: Development Services Director and Planning Commission Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Assistant Planner Hong, Senior Administrative Assistant Davidson, Deputy City Attorney Shah

**APPROVAL OF MINUTES**

Moved by *Vice Chair Schwary*, to approve of the minutes of the Planning Commission meeting of November 13, 2019.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Brouse*

**COMMISSION COMMUNICATION**

*Vice Chair Schwary* spoke about the email policy for contacting Planning Commissioners.

*Development Services Director Dalquest* spoke about the recommendations made by the City Attorney as a result of the initial inquiry and associated changes in the process.

*Deputy City Attorney Shah* spoke about concerns for Brown Act violations via email communications, and indicated that the City's policy is meant to safeguard against potential violations. She also noted that the City Council would need to determine any changes made to the policy.

*Vice Chair Schwary* inquired about future discussions regarding affordable housing.

*Development Services Director Dalquest* indicated that the discussion is being agendaized for the January 22, 2020 Planning Commission Meeting.

**COUNCIL ACTIONS**

*Development Services Director Dalquest* provided a brief follow up on the November 25<sup>th</sup> Council Meeting, noting that the Council approved the second reading of a sidewalk vending Ordinance; and set a public hearing and first reading of an Ordinance to adopt the 2019 California Building Code. He also noted that at the meeting of December 9<sup>th</sup>, the Council approved seven (7) Mill's Act applications for single-family dwellings.

**FUTURE AGENDAS**

*Contract Planning Manager Poland* indicated that at the January 22, 2020 meeting there will be a presentation on Affordable Housing and a continuation of Item 5, Public Hearing for Specific Plan Review No. 18-02, General Plan Amendment No. 18-04, Zone Change No. 18-04, Tentative Tract No. 20245 (TT-18-03), Site Plan No. 18-10, Design Review No. 18-14, and Environmental Assessment Review No. 0070. He also noted that there is also a review of the State's new requirements for Accessory Dwelling Units tentatively scheduled.

**ORAL COMMUNICATIONS**

*Chair Aspinall* stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

*Roger Stephenson* spoke in opposition to the Bridge Development; and expressed concerns for the number of trucks and delivery van trips and related impacts on infrastructure, as a potential result of the operation. He also displayed photos for the record from the impacts from a similar facility on Euclid and Kimball; and spoke about potential issues with high capacity at intersections around the City.

In response to *Roger Stephenson's* comments, *Development Services Director Dalquest* indicated the next workshop on the project mentioned will be a joint meeting of the City Council and the Planning Commission, strictly on the environmental documents.

*Contract Planning Manager Poland* provided information related to the public notice for the review period for the environmental documents on the Bridge Development project and indicated where the public can view the documents.

*Jim Mc Joynt* spoke about the report on upcoming Planning developments and requested more specificity be included with regards to occupancy for the proposed developments.

Noting there were no further members of the public wishing to address the Commission, *Chair Aspinall* closed the oral communications.

**PUBLIC HEARINGS**

**1. PUBLIC HEARING FOR TENTATIVE PARCEL MAP NO. 19-02 (TPM 20122).**

The proposal is a request to subdivide one lot into three lots.

Project Location: 494 N. Mountain Avenue, APN: 1007-521-05.

STAFF:	Jacqueline Hong, Assistant Planner
APPLICANT:	Steward Plaza, LLC 400 N Mountain Ave, Ste 200 Upland, CA.91784

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; 2. Hold a public hearing and receive testimony from the public; 3. Find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15315, Minor Land Divisions of the California Environmental Quality Act Guidelines; and 4. Move to adopt a Resolution approving Tentative Parcel Map No. 19-02 (TPM 20122), subject to conditions of approval as set forth in the Draft Resolution dated December 11, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	10 days, ending December 23, 2019.

*Assistant Planner Hong* presented the details of the staff report, including location; General Plan and Zoning designation; current uses; subdivision request; breakdown of proposed parcels 1, 2 and 3; minimum parcel sizes for the zone; parking code requirements; elevations; findings; review by the Technical Review Committee; and staff recommendations.

*Commissioner Walker* inquired as to future maintenance of the property.

In response to *Commissioner Walker's* inquiry, *Assistant Planner Hong* indicated that there are separate Conditions of Approval which include provisions for property maintenance.

*Development Services Director Dalquest* confirmed that CC&R's are required and maintenance is a condition, as well as access and common improvements.

*Serge Bonaldo*, applicant, indicated that there are measures in place to insure property maintenance. He also indicated parking is addressed in the CC&R's.

*Vice Chair Schwary* requested clarification on existing parcels, ownership and the option to purchase with the future development.

In response to *Vice Chair Schwary's* inquiry, *Serge Bonaldo* indicated that the developer is looking to give existing tenants an opportunity to own their own property. He also spoke about interest in purchasing by existing tenants.

*Chair Aspinall* inquired about shared parking.

In response to *Chair Aspinall's* inquiry, *Serge Bonaldo* indicated there will be a reciprocal parking agreement.

*Chair Aspinall* opened the public hearing. Seeing no members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

*Vice Chair Schwary* moved to find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15315, Minor Land Divisions of the California Environmental Quality Act Guidelines; and moved to adopt a Resolution approving Tentative Parcel Map No. 19-02 (TPM 20122), subject to conditions of approval as set forth in the Draft Resolution dated December 11, 2019.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall*

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

NAYS: None ABSTAINED: None

ABSENT: Commissioner Brouse

**2. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 19-12, SITE PLAN NO. 19-11, DESIGN REVIEW NO. 19-18, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. 0038.**

The proposed project is a 35,015 square foot supermarket and an ABC Type 21 License for the sale of beer, wine, and distilled spirits for consumption off the premises.

Project Location: 235 E. Foothill Boulevard, APN: 1045-551-20.

STAFF:	Jacqueline Hong, Assistant Planner
APPLICANT:	Upland Village Shopping Center 2950 Airway Avenue Costa Mesa, CA 92929
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; 2. Hold a public hearing and receive testimony from the public; 3. Find the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15332, In-Fill Development Projects, Class 32 (a-e), of the California Environmental Quality Act; and 4. Move to adopt a Resolution approving Conditional Use Permit No. 19-12, Site Plan No. 19-11, Design Review No. 19-18 and Environmental Assessment Review No. EAR-0088, subject to conditions of approval as set forth in the Draft Resolution dated December 11, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	10 days, ending December 23, 2019.

*Assistant Planner Hong* presented the details of the staff report including proposal; proposed location; hours of operation; ABC Type 21 License request; Police Department recommendations; site plan; floor plan; parking code and parking deficiency; parking analysis results; center architectural design; review by the Technical Review Committee; CEQA exemption; and staff recommendations.

*Vice Chair Schwary* inquired as to the deficiency in 37 parking spaces.

In response to *Vice Chair Schwary's* inquiry, *Assistant Planner Hong* indicated that recent center renovations have resulted in the deficiency in parking spaces, however parking has been addressed in past entitlements.

*Development Services Director Dalquest* added that in accordance with the municipal code, the parking is deficient, however, the applicant has the opportunity to submit their own parking analysis to review parking demand by land use. He expressed confidence in the results of the applicant's parking analysis based on peak time demand.

*Commissioner Walker* further inquired as to the parking requirement for retail uses.

In response to *Commissioner Walker's* inquiry, *Development Services Director Dalquest* explained the base formulas for parking based on use.

*Contract Planning Manager Poland* spoke about the reduction which would be necessary to meet parking requirements.

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

*Commissioner Novikov* expressed concerns with the proximity to the existing Girl Scout facility and related sale of alcohol.

In response to *Commissioner Novikov's* inquiry, *Development Services Director Dalquest* indicated that ABC provisions exist for schools, but not necessarily administrative offices for groups such as the Girl Scouts.

*Chair Aspinall* further inquired to the use of the Girl Scout facility.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated that he was not certain, however, there are several buildings located on the subject property.

*Commissioner Anderson* inquired as to the tenant who will be occupying the building. She also expressed concern for potential vacancy.

*Chair Aspinall* inquired if the perspective tenant would be required to comply with the City's sign policy.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated that the tenant would be required to comply with the City's sign policy.

*Matthew Bush, applicant*, indicated that he is unable to disclose the tenant at this time, however, indicated that the tenant will be a full-use store and he does not believe there are any current similar models.

*Chair Aspinall* inquired as to the hours of operation.

Discussion ensued related to the proposed hours of operation; typical hours of operation for supermarkets; negotiated hours per the lease; and the potential for an earlier closing time.

*Chair Aspinall* inquired as to any concerns or conditions assessed by the Police Department.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated the zone does not set a parameter on the hours of operation and that the Police Department conditions are located in the draft Resolution. He also noted that the Police Department did not put any restrictions on hours of operation, however, they are requiring digital video surveillance system and a six-month review.

*Matthew Bush, applicant*, expanded on the business model of the proposed tenant and reiterated that he cannot discuss further details due to his inability to disclose the tenant. He also indicated that although he is unable to disclose the duration of the lease, he assured the Commission the lease is long-term.

*Chair Aspinall* opened the public hearing. Seeing no members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

*Vice Chair Schwary* spoke about revenue potential for the City and the potential for limiting hours of operation.

In response to *Vice Chair Schwary's* comments, *Development Services Director Dalquest* confirmed that the Police Department did not assess any restrictions related to hours of operation, however they did indicate they would be conducting a six-month review to ensure compliance; will be requiring a digital video surveillance system; and indicated no alcohol may be consumed on the property. He also spoke about the six-month review period and requirements which would need to be met, should the Conditions of Approval need to be amended.

*Commissioner Walker* inquired as to the possibility to reduce the footprint to accommodate extra parking.

In response to *Commissioner Walker's* inquiry, *Matthew Bush* indicated that the reduction of footprint is not a viable option.

*Development Services Director Dalquest* reiterated his confidence in the parking study.

*Matthew Bush, applicant*, spoke about the existing condition of the center, and the potential positive impact on the community the tenant could have.

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

*Vice Chair Schwary* moved to find that the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15332, In-Fill Development Projects, Class 32 (a-e), of the California Environmental Quality Act; and moved to adopt a Resolution approving Conditional Use Permit No. 19-12, Site Plan No. 19-11, Design Review No. 19-18 and Environmental Assessment Review No. EAR-0088, subject to conditions of approval as set forth in the Draft Resolution dated December 11, 2019, as amended to add the conditions that there would be a six-month review by the Police Department to evaluate hours of operation and parking.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Brouse*

**3. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 19-08, SITE PLAN NO. 19-05, DESIGN REVIEW NO. 19-08, STREET VACATION NO. 19-01, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. 0082.**

The proposed project is for a Starbucks with a drive-thru and a street vacation of the frontage road.

Project Location: 275 E. Foothill Boulevard, APN: 1045-551-04.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Upland Village Shopping Center 2950 Airway Avenue Costa Mesa, CA 92626
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that finding for General Plan Conformity of the Street Vacation (SV-19-01) is Categorically Exempt from environmental proceedings pursuant to Article 5, Section 15061(b)(3), the activity is covered by the common sense exemption that The CEQA Guidelines apply only to projects which have the potential for causing a significant effect on the environment; and 4. Find that the Street Vacation (SV-19-01) is in conformity with the City of Upland General Plan; and 5. Recommend the City Council find the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15332, In-Fill Development Projects, Class 32 (a-e), of the California Environmental Quality Act; and 6. Move to adopt a Resolution recommending that the City Council approve Conditional Use Permit No. 19-08, Site Plan No. 19-05, Design Review No. 19-08, Environmental Assessment Review No. EAR-0082, and Street Vacation No. 19-01, subject to conditions of approval as set forth in the Draft Resolution dated December 11, 2019.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	N/A

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

*Associate Planner Winter* presented the details of the staff report, including the proposal; project location; General Plan Designation and Zoning; existing conditions; vehicle circulation; proposed design; floor plan; General Plan conformance; CEQA findings; Conditions of Approval; and staff recommendations.

*Vice Chair Schwary* expressed concerns for the drive-thru and management of cars in the drive-thru queue.

In response to *Vice Chair Schwary's* inquiry, *Associate Planner Winter* indicated that there is a Condition of Approval that requires the operator to address any issues that are caused, and the operator would be required to implement measures to the satisfaction of the Development Services Director.

*Chair Aspinall* inquired as to who the owner of the Starbucks will be; the walking paths; and ADA access to enter the tenant space. She also inquired as to the doors facing Foothill Boulevard.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated that the property owner is the same owner as the previous item, and Starbucks will lease the building. He also pointed out pathways and ADA access ways and noted the doors facing Foothill Boulevard are utility doors.

Discussion ensued related to design, landscaping, utility doors and enhanced design elements.

*Commissioner Anderson* expressed concern for back-up traffic and suggested a two-lane design.

In response to *Commissioner Anderson's* inquiry, *Associate Planner Winter* indicated that the two-lane design was not proposed, and the space is fairly narrow. He also indicated that as part of Conditions of Approval, there is a six (6) month review period.

*Chair Aspinall* inquired as to next steps with regards to the multiple applications.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated that procedurally, as there are multiple applications at once time, the approval goes to the highest authority, which would be under the purview of the City Council.

*Chair Aspinall* opened the public hearing.

*Matthew Bush, applicant*, spoke about the design of the drive-thru and indicated that the design eliminates a back-up of traffic on to Foothill Boulevard. He also spoke about State Water Board requirements in the landscaping area; and addressed areas where design can be changed or added.

*Dr. Nehal Zaveri*, adjacent tenant, expressed concerns for parking for his staff and access for dental patients.

*Associate Planner Winter* indicated that per the Municipal Code, the dental office has adequate parking.

*Dede Ramela* spoke in opposition to the project and expressed concern for the traffic back-up on Foothill Boulevard.

*Matthew Bush, applicant*, reiterated the design process with regards to the drive-thru; and spoke about the Conditions of Approval with regards to ADA accessibility and additional parking.

Seeing no further members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

*Commissioner Anderson* moved to find that the finding for General Plan Conformity of the Street Vacation (SV-19-01) is Categorically Exempt from environmental proceedings pursuant to Article 5, Section 15061(b)(3), the activity is covered by the common sense exemption that The CEQA Guidelines apply only to projects which have the potential for causing a significant effect on the environment; and move to find that the Street Vacation (SV-19-01) is in conformity with the City of Upland General Plan; and recommend the City Council find the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15332, In-Fill Development Projects, Class 32 (a-e), of the California Environmental Quality Act; and move to adopt a Resolution recommending that the City Council approve Conditional Use Permit No. 19-08, Site Plan No. 19-05, Design Review No. 19-08, Environmental Assessment Review No. EAR-0082, and Street Vacation No. 19-01, subject to conditions of approval

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

as set forth in the Draft Resolution dated December 11, 2019, as amended to add a Condition of Approval providing for the addition of enhancements to the south façade.

The motion was seconded by *Chair Aspinall*.

The motion carried by the following vote:

AYES: Commissioners Anderson, Novikov, Walker, and Chair Aspinall

NAYS: Vice Chair Schwary ABSTAINED: None

ABSENT: Commissioner Brouse

*Chair Aspinall* inquired as to the date in which the City Council review will take place.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated the item will most likely go before the City Council in early February.

**4. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 19-05, SITE PLAN NO. 19-02, DESIGN REVIEW NO. 19-02, TENTATIVE PARCEL MAP NO. 19-01, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. 0079.**

The proposed project is for the demolition of an existing building and development of 60 townhouse apartments within eleven buildings.

Project Location: 760 Mesa Court, APN: 1046-102-130.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Soroush Rahbari 4790 Irvine Boulevard #105-276 Irvine, CA 92620
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find the project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15332, In-Fill Development Projects, Class 32 (a-e), of the California Environmental Quality Act; and 4. Move to adopt a Resolution approving Conditional Use Permit No. 19-05, Site Plan No. 19-02, Design Review No. 19-02, Environmental Assessment Review No. EAR-0079, and Tentative Parcel Map No. 19-01, subject to conditions of approval as set forth in the Draft Resolution dated December 11, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	10 days, ending December 23, 2019.

*Associate Planner Winter* presented the details of the staff report, including the General Plan Designation and Zoning; surrounding uses; existing site conditions; proposed parcel map; subdivision request; proposed site plan; parking and circulation; proposed architectural design; ADA accessibility; landscaping; open space; CEQA findings; traffic, noise and air quality study findings; and staff recommendations. He also indicated the units will be for-rent.

*Vice Chair Schwary* inquired as to the number of parking spaces per unit.



**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

In response to *Vice Chair Schwary's* inquiry, *Associate Planner Winter* spoke about the breakdown of parking spaces, ratios, guest spaces, and noted that there is an excess of parking above what is required.

*Commissioner Novikov* inquired as to potential impacts to the nearby assisted living facility.

*Chair Aspinall* spoke about the color of the building; inquired as to ADA requirements; and inquired if this is an affordable housing development. She also inquired about connectivity of driveways.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* clarified living spaces and bathroom requirements for lower floor and indicated the floor plan for these particular units are classified as a den with a half-bathroom. He also indicated these units will not be classified as affordable housing and clarified paths of travel within the development.

In response to *Chair Aspinall's* comments, *Development Services Director Dalquest* indicated that City does have requirements for above moderate rates and added the proposal meets said requirements. He also deferred to the applicant for clarification on rental rates.

*Associate Planner Winter* outlined the path of travel throughout the development via alleyways.

*Chair Aspinall* opened the public hearing.

*Greg Powers, applicant*, spoke about rental rates, history of ownership and spoke about the modifications to the driveway to allow for more space at the assisted living facility.

Further discussion ensued related to the alleyways, increased traffic, and maintenance of said alleys.

*Vice Chair Schwary* inquired as to the breakdown in maintenance responsibilities for each alley way.

In response to *Vice Chair Schwary's* inquiry, *Greg Powers* indicated that they are responsible for the alley between the two (2) hospitals; and spoke about the previous alley vacation by the City Council.

*Commissioner Anderson* inquired as to the history of the lot with regards to vacancy.

In response to *Commissioner Anderson's* inquiry, *Greg Powers, applicant*, spoke about the history of the property and the development.

*Philip Montgomery* spoke in opposition for the project and expressed concerns for traffic and parking in the proposed development, noting parking on Mesa Court is already impacted with an overflow of parking from the nearby apartment complex.

*Dorothy Strahm* inquired as to the impact of the development to her adjacent property, specifically where the placements of trash bins will be. She also spoke about existing conditions of excessive street parking.

*Joe Fuscoe* spoke in support of the project, noting he supports the family and indicated this is a legacy project.

*Mark Walters* spoke in opposition to the proposal; expressed concern for traffic in the area; alleys not being wide enough; and recommended eliminating parking on Campus should this project be approved.

*Lois Sicking-Dieter* spoke in opposition to the proposal; expressed concern for traffic; parking in the area; and proximity of this project being located next to a convalescent home. She also spoke about the negative impact on the quality of life of surrounding residents this proposal could have.

*Terri D* spoke in opposition to the proposal; expressed concern for impacts on the nearby nursing home; traffic and safety in the area; spoke about affordable housing; and ADA accessibility. She displayed a video recording of the intersection of Campus and Mesa Court for the record.

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

*Natasha Walton* suggested an initial study be performed, and spoke about CEQA exemptions; density; outreach; Memorial Park plans; open space; suggested the City collect Quimby Act Fees; and encouraged the developer to include native plants in the landscape plan.

*Development Services Director Dalquest* clarified the City does collect Quimby Act Fees through Development Impact Fees.

*Dan Close, consultant*, indicated his firm conducted a traffic study for the project, and spoke about the process; results; trip generation requirements; growth factor; and results of analysis. He also addressed comments about parking, noting the intersection will be Level of Service B and the project meets City code with garage parking, and exceeds requirements on guest parking spaces.

*Chair Aspinall* inquired if safety was evaluated in the traffic study.

In response to *Chair Aspinall's* inquiry, *Dan Close* indicated safety issues were not evaluated as part of the traffic study, noting there were no requirements to do so.

*Commissioner Anderson* spoke about housing requirements state-wide and the use of garages exclusively for parking.

In response to *Commissioner Anderson's* inquiry, *Greg Powers* indicated residents would not be granted permits to park in guest parking overnight.

*Vice Chair Schwary* spoke about parking enforcement for the development.

In response to *Vice Chair Schwary's* inquiry, *Greg Powers* indicated the owners will strive to deter residents from parking in guest spaces by designating the spaces as guest-only; by issuing permits for overnight parking; and contracting enforcement through a tow-company.

*Chair Aspinall* inquired as to the City's policy on permit parking.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated that permit parking throughout the City is established by district.

*Vice Chair Schwary* inquired as to the feasibility of eliminating parking on Campus.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* indicated the prohibition would need to be established by the City Council.

Discussion ensued related to street parking; alley access; and alley maintenance.

*Vice Chair Schwary* inquired if it would be possible to vote on the item, contingent on Council's review or prohibition of parking on Campus.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* indicated the issues cannot be tied together, however, he can relay concerns to the City Manager.

*Vice Chair Schwary* proposed potentially continuing the item in order to be able to potentially mitigate concerns raised.

In response to *Vice Chair Schwary's* suggestion, *Development Services Director Dalquest* indicated that the Commission may continue the item and allow for Public Works to review the safety issues on Campus.

*Commissioner Novikov* suggested a smaller, retirement community be developed in lieu of apartments.

*Greg Powers, applicant*, spoke about the history of the intent of the development and indicated a zoning change prohibited initial plans.

Discussion ensued related to options for continuing the item and next steps.

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

Seeing no others wishing to address the Commission, *Chair Aspinall* closed the public hearing.

*Vice Chair Schwary* moved to continue this item and public hearing to the January 22, 2020 meeting to allow Public Works to conduct a safety study on Campus and bring traffic concerns to the Commission at a subsequent meeting.

The motion was seconded by *Commissioner Walker*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Novikov, Walker, Vice Chair Schwary and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Brouse*

**5. PUBLIC HEARING FOR SPECIFIC PLAN REVIEW NO. 18-02, GENERAL PLAN AMENDMENT NO. 18-04, ZONE CHANGE NO. 18-04, TENTATIVE TRACT NO. 20245 (TT-18-03), SITE PLAN NO. 18-10, DESIGN REVIEW NO. 18-14, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. 0070.**

A proposed Specific Plan Review and related Planning Entitlements for the development of 65 single-family detached homes, private open space land uses and infrastructure improvements to serve the development.

Project Location: North side of E. 15<sup>TH</sup> Street, south of the Upland Hills Country Club, and approximately 0.25 miles east of North Campus Avenue. APN: 1045-121-04.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	FH II, LLC (Frontier Homes) 2151 E. Convention Center Way #100 Ontario, CA 91764
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Continue this item to the next regularly scheduled Planning Commission meeting on January 22, 2020.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	N/A

*Associate Planner Winter* provided the details of the report, including entitlements; project location; General Plan Designation and zoning; surrounding uses; history of the Colonies Specific Plan, including Development Agreement; proposed Tentative Tract Map; lot setbacks; garages; parking; driveway dimensions; access to residences; right-of-way improvements; architectural design features; floor plans; open space amenities; landscape plan and design criteria; storm drain basin modifications; traffic analysis and trip generations; and Initial Mitigated Negative Declaration. He indicated that due to the volume of public comments received in response to the item, it is recommended that the item be continued to allow staff to adequately respond to all comments received.

*Chair Aspinall* inquired about the potential danger for homes being in a flood area.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated that Public Works staff worked with the applicant's consultants and conducted additional analysis and geotechnical studies to make a determination; and spoke about additional storm drain improvements.

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

*Chair Aspinall* inquired about the Specific Plan territory; expansion of 15<sup>th</sup> Street; timing of the project; and when the public comment period ended.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated that the Specific Plan does not include Upland Hills Country Club, and is not connected to any other projects in the area; indicated there are no plans to expand 15<sup>th</sup> Street; and noted that public comment period ended December 2<sup>nd</sup>.

*Chair Aspinall* opened the public hearing.

*Tim Nguyen, applicant*, spoke about the collaboration process between the applicant and staff; history of the development company; housing crisis in the state; density; other projects within the City; public outreach; public feedback; property values; neighborhood enhancements; analysis; parking spaces; traffic and safety; evaluation of the extension of 15<sup>th</sup> Street; and project benefits.

*Vice Chair Schwary* inquired about Hold Harmless Agreements for owners protecting the City against the potential for flooding.

In response to *Vice Chair Schwary's* inquiry, *Tim Nguyen, applicant*, indicated that his comments will be noted and addressed at a future hearing.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* indicated that there would be an indemnification condition in the CC&R's for the tract.

*Philip Ferree*, adjacent neighbor, expressed concerns for flood issues; spoke about dirt in-fill process; potential damage to his property; the potential damage to 15<sup>th</sup> Street due to trucks passing through; and suggested lowering project elevations. He also spoke about storm drain easements; the loss of his view; the increase in daily trips on 15<sup>th</sup> Street; tie-ins; and noise.

*Roger Flores*, adjacent neighbor, spoke about previous conversations with the Planning Division regarding development in the area and spoke in opposition to the amendment of the General Plan. He encouraged the Planning Commission to maintain the original General Plan, and expressed concerns with increased traffic; entrance and exit to the community; surrounding communities; impacts to 14<sup>th</sup> Street; and the progression of the neighborhood.

*James Eihen*, adjacent neighbor, spoke in opposition to the proposed project and spoke about the character of the neighborhood; previous City transactions; consequences of construction to the residents; loss of view from his home; increase in traffic to the neighborhood; and requested the Planning Commission deny the project.

*Sandra Sidders*, adjacent neighbor, concurred with previous speakers; spoke about the value of open land in the foothills and spoke in opposition to the amendment of the General Plan. She also expressed concerns for the flood area; dust; traffic; and the landfill.

*Caryn Zappia*, adjacent neighbor, spoke in opposition to the proposed project, and spoke about the differences in characteristics of the adjacent neighborhoods; zoning in the area; minimum parcel areas and minimum proposed lot sizes; the increase in vehicle traffic; and significant impacts to her neighborhood. She also encouraged the plan be modified to remove gates; reduce the number of two-story homes; and address lot sizes in order to match the characteristics of the existing neighborhood.

*Jaime Romero*, adjacent neighbor, impartial to the proposed project, noted the project will change the characteristics of the neighborhood and is concerned with the impact on the quality of life for existing residents.

*Catina Flores*, adjacent neighbor, spoke in opposition to the development; and expressed concerns for the impact a gated community would have on the existing neighborhood; the loss of the view; increase in crime rate; traffic; and environmental impacts.

*Darrell Maxey*, adjacent neighbor, spoke about the public notice; expressed concerns for the environmental and flood report; the infill of the flood basin; timing of the reports conducted; and wildlife impacts.

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

*Betty Cavanaugh*, adjacent neighbor, spoke in opposition to the proposed project; and spoke about the history of development in the area; previous Planning Commission action; and requested the Planning Commission deny the project.

*John Anderson*, adjacent neighbor, spoke in opposition to the proposed project; spoke about the history of the neighborhood; traffic in the area; parking; street conditions; water rates in the City; and water accessibility.

*Robyn Tan*, adjacent neighbor, expressed concerns for impacts to the view; traffic volume and infrastructure; street design; traffic counts; health ramifications; and communications with residents. She also requested further data on environmental impact studies; suggested design modifications be explored; and requested the development have its own entrance and exit access to a major street.

*Diana Reymundo*, adjacent neighbor, spoke in opposition to the proposed project and expressed concerns with traffic, safety and living conditions within the existing neighborhood. She also encouraged the Planning Commission to confer with surrounding cities Frontier has been involved with, and spoke about previous discussions regarding development in the area.

*Bill Gardener*, adjacent neighbor, expressed concerns for the proposed project and spoke about the adjacent driving range; traffic; and unsafe speeds on Campus.

*Oleg Bolotov*, adjacent neighbor, spoke in opposition to the proposed project and concurred with previous speakers. He spoke about research he did on the flood basin prior to purchasing his home and indicated he was assured there would be no development in the area. He also expressed concerns with future safety in the area and urged the Planning Commission deny the project.

*Mark Walters*, adjacent neighbor, spoke in opposition to the proposed project; expressed concerns for the proposed project and concerns with the public notice from the developer. He also spoke about frequency of accidents in the intersection of 16<sup>th</sup> Street and Campus Avenue; expressed concerns with the CEQA documents; and inquired whether an EIR would be conducted. He also spoke about the history of transactions between the City and the Colonies, noting the City is still owed another High School.

*Dan Russell*, adjacent neighbor, expressed concerns for the proposed project and inquired about Dry Dock Depot being in the land fill; chain link fence on 15<sup>th</sup> Street; restricted access to underground tunnels; and methane venting.

*Peter Jackson*, adjacent neighbor, expressed concerns for the proposed project and spoke about the fence along the basin; recent one-hundred year events; impact of climate change; and filling of the basin. He indicated the project puts the communities below the basin at risk.

*Chair Aspinall* thanked the community for expressing their concerns.

*Deputy City Attorney Shah* spoke about protocol for applicant responses.

Seeing no others wishing to address the Commission, *Chair Aspinall* closed the public hearing.

*Chair Aspinall* inquired as to any errors in the public notice.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated that there was an error on the map in the public notice.

*Development Services Director Dalquest* indicated that the project will be re-noticed for the January 22<sup>nd</sup> Public Hearing.

*Chair Aspinall* inquired as to requirements of the developer to re-pave damaged streets.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated he will confer with the Developer and return to the Commission with an update.

*Commissioner Anderson* requested an update on the status of the closed landfill.

**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION**

**DECEMBER 11, 2019**

In response to *Commissioner Anderson's* inquiry, *Development Services Director Dalquest* indicated that the County continually monitors the closed landfill.

*Vice Chair Schwary* moved to continue this item to the January 22, 2020 meeting.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Novikov, Walker, Vice Chair Schwary and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Brouse*

**BUSINESS ITEMS**

**1. UPDATE ON LANDSCAPE MAINTENANCE ISSUES AT UPLAND HILLS COUNTRY CLUB**

*Vice Chair Schwary* moved to continue this item to the January 22, 2020 meeting.

The motion was seconded by *Chair Aspinall*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Novikov, Walker, Vice Chair Schwary and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Brouse*

**ADJOURNMENT**

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 10:45 P.M., to the regular meeting of the Planning Commission on January 22, 2020, at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary  
Upland Planning Commission